TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
2004P01583WO		
International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2005/000584	21.01.2005	10.02.2004
International Patent Classification (IPC) or national classification and IPC		
B60T8/36		
Applicant		
SIEMENS VDO AUTOMOTIVE		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 1 sheets, as follows:

      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))

      _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2005/000584

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

☐ international search (Rule 12.3 and 23.1(b))

☐ publication of the international application (Rule 12.4)

☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-7 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-5 received by this Authority on 01.12.2005 with letter of 28.11.2005

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2,2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2005/000584

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	2-4	YES
	Claims	1, 5	NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: EP-A-0 769 437 (SUMITOMO ELECTRIC INDUSTRIES, INC.) 23 April 1997 (1997-04-23)

D2: US-A-5 688 028 (KOHNO ET AL.) 18 November 1997 (1997-11-18)

1. The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2).

In figure 5, D1 discloses an electrohydraulic unit comprising two separate portions:

- an electronic computer (9, 10) in which an electronic card (9), coils (4e) and an electric motor (1) provided with a rotor (1d) and a stator are housed, said motor being suitable for driving a pump;
- and a hydraulic unit (2) including the pump (3) and a plurality of valves (42), all of which is controlled electronically by the computer (9).

The electrohydraulic unit further comprises a magnetic iron circuit (1a + 1b; cf. column 3, line 35) partially common to the stator and the coils. Portion 1b is a ring-shaped edge of the magnetic iron housing the coils, simultaneously fulfilling a function of

mechanical support for the coils (cf. column 3, lines 37 to 39) and a function of magnetic conduction for said coils.

Furthermore, on figures 3 and 5, it appears that portions 1a and 1b making up the magnetic iron circuit are effectively separate from the hydraulic unit, even though the magnetic flux loops inside the hydraulic unit, which does not itself form part of the magnetic iron circuit as defined above.

The meaning given here to the term magnetic iron circuit includes open magnetic circuits and complies with the meaning given to the expression "magnetic iron circuit" in the description of the present application, in which the magnetic iron circuit of figure 1 is described as consisting only of part 22, forming an L-shaped magnetic circuit in the vicinity of the solenoid valve (cf. page 4, lines 22 to 27), in an identical manner to the magnetic circuit 1a + 1b of D1, and meaning that the field lines emanating from the upper portion of the core of the coil close by passing through, at least partially, the hydraulic unit, even though this is made of a non-magnetic material in the present application.

The subject matter of claim 1 is therefore not novel.

2. Dependent claims 2 to 5 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and/or inventive step (PCT Article 33(2) and (3)), since the features of claim 5 are known from D1 and the features of claims 2 to 4 do not involve an inventive step (with regard to claims 3 and 4, refer to D2, figure 7).